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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 MONTENEQUE NAKIA KNOX,) 3:09-cv-559-HDM (RAM)
10 Plaintiff,)
11 vs.) ORDER
12 TABITHA CREON, et al.,)
13 Defendants.)
14 _____)

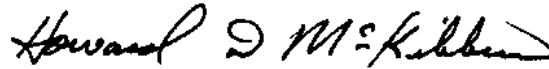
15 The court has considered the report and recommendation of the
16 United States Magistrate Judge (#38) filed on June 1, 2011, in
17 which the Magistrate Judge recommends that this court grant
18 defendants' motion to dismiss (#24). Plaintiff opposed (#31, 33,
19 and 34), and defendants replied (#32, 35, and 36). No objections
20 to the report and recommendation have been filed, and the time for
21 filing any objections has expired.

22 The court has considered the pleadings and memoranda of the
23 parties and other relevant matters of record and has made a review
24 and determination in accordance with the requirements of 28 U.S.C.
25 § 636 and applicable case law. Good cause appearing, the court
26 hereby

ADOPTS AND ACCEPTS the report and recommendation of the United States Magistrate Judge (#38).¹ Therefore, defendants' motion to dismiss (#24) is **GRANTED**, and plaintiff's complaint (#12) is **DISMISSED WITHOUT PREJUDICE**.

It is so **ORDERED**.

DATED: This 8th day of July, 2011.



UNITED STATES DISTRICT JUDGE

¹ The report should reflect that plaintiff alleges his rights were violated on the amended dates of February 9, April 7, and May 25, 2009 instead of March 14, March 28, and April 23, 2009 set forth in the Report and Recommendation.